

Appl. No. : 09/414,384
Filed : October 7, 1999

23. The device of claim 21 wherein the lower flow resistance is a resistance of between 0 and 0.3 (cmH₂O)^{1/2}SLM.

24. The device of claim 21 wherein the high flow resistance corresponds to a flow rate of 15 liters per minute or less.

25. The device of claim 21 wherein the lower flow resistance corresponds to a flow rate of 15-80 liters per minute.

26. The device of claim 21 wherein the high flow resistance is provided for an initial time period of less than 10 seconds.

27. The device of claim 21 wherein the high flow resistance is provided for an initial time period of less than 5 seconds.

REMARKS

Claims 1,2, and 4-27 are pending in the above identified application. Claims 21-27 directed to a device for controlling the delivery of an aerosolized medicament have been newly added. These claims correspond to the method recited in claims 14 – 20 and are supported throughout the specification as filed. Applicant respectfully submits that no new matter is added by this amendment and respectfully requests entry thereof.

Claims 1,2, and 4-20 have been subject to a restriction requirement. Specifically, the Examiner has required election between the device of Group I: claims 1,2, and 4-13, and the method of Group II: Claims 14-20, related as process and apparatus for the process. Applicant elects, without traverse, Group II directed to claims 14-20 and reserves the right to file one or more divisional applications. Applicant respectfully submits that newly added claims 21-27 should also be considered with claims 14-20 as they are directed to a device for practicing the method claimed therein.

Appl. No. : 09/414,384
Filed : October 7, 1999

CONCLUSION

Applicants believe that all the pending claims are presently in condition for allowance. However, the Examiner is invited to telephone the undersigned attorney at the number below if it is believed that this will expedite prosecution of the present application.

Respectfully submitted,

Dated: 2/26/01

By: Michael J. Rafa
Michael J. Rafa.
Registration No. 38,740
Attorney of Record
(650) 631-5053

- 14. A method for delivering an aerosolized active agent to the lungs of a human patient, said method comprising delivering the aerosolized active agent formulation at a high flow resistance of at least $0.4 \text{ (cmH}_2\text{O)}^{1/2}\text{SLM}$ and subsequently providing a low flow resistance.
- 15. The method of claim 14 wherein the high flow resistance is a resistance of between 0.4 and 2 $\text{(cmH}_2\text{O)}^{1/2}\text{SLM}$.
- 16. The method of claim 14 wherein the low flow resistance is a resistance of between 0 and 0.3 $\text{(cmH}_2\text{O)}^{1/2}\text{SLM}$.
- 17. The method of claim 14 wherein the high flow resistance corresponds to a flow rate of 15 liters per minute or less.
- 18. The method of claim 14 wherein the low flow resistance corresponds to a flow rate of 15-80 liters per minute.
- 19. The method of claim 14 wherein the high flow resistance is provided for an initial time period of less than 10 seconds.
- 20. The method of claim 14 wherein the high flow resistance is provided for an initial time period of less than 5 seconds.
- 21. A device for controlling the delivery of an aerosolized active agent to the lungs of a human patient, said device comprising a flow resistance modulator that provides a high flow resistance of at least $0.4 \text{ (cm H}_2\text{O)}^{1/2} / \text{SLM}$ and subsequently provides a lower flow resistance.
- 22. A device according to claim 21 wherein the high flow resistance is a resistance of between 0.4 and 2 $\text{(cmH}_2\text{O)}^{1/2}\text{SLM}$.
- 23. The device of claim 21 wherein the lower flow resistance is a resistance of between 0 and 0.3 $\text{(cmH}_2\text{O)}^{1/2}\text{SLM}$.

Appl. No. : 09/414,384
Filed : October 7, 1999

24. The device of claim 21 wherein the high flow resistance corresponds to a flow rate of 15 liters per minute or less.

25. The device of claim 21 wherein the lower flow resistance corresponds to a flow rate of 15-80 liters per minute.

26. The device of claim 21 wherein the high flow resistance is provided for an initial time period of less than 10 seconds.

27. The device of claim 21 wherein the high flow resistance is provided for an initial time period of less than 5 seconds.